IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4088 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PRABHABEN JETHABHAI MATHUKIA

Versus

ORGANIZER OF KRISHNA DEVELOPERS

Appearance:

1. Special Civil Application No. 4088 of 2004

MR KISHOR M PAUL for Petitioner No. 1

MR ANSHIN H DESAI for Respondent No. 1,3

RULE SERVED BY DS for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 09/09/2004

ORAL JUDGEMENT

1.0 By way of this petition, the petitioner has challenged the order dated 15/01/2004 passed by the learned Joint District and Fast Track Judge, Junagadh in Civil Misc.Appeal No.69 of 2003, whereby the appeal of the petitioner was dismissed and the order of the trial Court was confirmed.

2.0 Mr.A H Desai learned advocate for respondents

no.1 & 3 makes a statement that respondents no.1 & 3 would be constructing the commercial building as per the plan sanctioned by respondent no.2 i.e. the authority which has now been merged with Joshipura Municipal Corporation, Junagadh. Mr.Desai also undertakes that the construction of the said commercial building will be carried out as per the rules and regulations sanctioned by respondent no.2. and that respondents no.1 & 3 will not commit any irregularity which shall prejudice the rights of the petitioner.

3.0 Ms.K C Thakkar learned advocate appearing for respondent no.2, on instructions from an official of respondent no.2 who is present in the Court, states that the Corporation has sanctioned the plan and that the construction which has been carried out so far is as per the sanctioned plan. She further states that the Officers of the Corporation will examine the construction of the said building regularly as per the requirement of the Act.

4.0 In that view of the matter, it is directed that respondents no.1 & 3 will construct the commercial building as per the plan sanctioned by respondent no.2. It will be open to the Officers of respondent no.2 to take appropriate action, if any construction is done contrary to the plan sanctioned by respondent no.2. With the above directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. Jhaveri, J.)
pravin/

ORDER IN CIVIL APPLICATION No.6459 OF 2004

In view of the order passed in the main matter, this Civil Application will not survive. The Civil Application stands disposed of accordingly.

(K. S. Jhaveri, J.)

pravin/